

Guide to Common Offenses for University Students

The Newark Police Department is the primary law enforcement agency in the City of Newark and handles all incidents occurring on property not owned by the University of Delaware. Residences occupied by University students who reside in housing not owned by the University will be within the jurisdiction of the Newark Police Department. Students may still be subject to sanctions by the University of Delaware Office of Community Standards and Conflict Resolution for offenses that occur off campus.

The following is a list of common offenses for which students may have police contact. This list does not constitute legal advice and is only a synopsis of some state laws & city ordinances. The specific ordinance language can be found via a link from our website at newarkde.gov/police. **All offenses, except where otherwise indicated, are criminal offenses.** Fines and costs are subject to change based on law & ordinance changes. **CLICK THE LINK TO READ EACH LAW OR ORDINANCE.**

Underage Possession / Consumption of Alcohol ([19 NE § 5](#) // [4 Del C. § 904\(f\)](#))

Whoever being under the age of 21 years has alcoholic liquor in his possession at any time or consumes or is found to have consumed alcoholic liquors shall be fined up to \$200.00 for the first offense, and up to \$500.00, for each subsequent offense. A first and second violation of this section is a **civil offense**. Information concerning this civil offense may not appear on an individual's certified criminal record.

Fine: \$200 plus court costs

Unlawful Entry into a Liquor Store ([19 NE § 3\(b\)](#) // [4 Del C. § 904\(e\)](#))

Whoever being under the age of 21 years, enters or remains in a tavern, taproom or package store, or while therein possesses at any time alcoholic liquors.

Fine: \$200 plus court costs

Open Container of Alcohol ([22 NE § 83](#))

No person shall possess any open or unsealed container containing spirits, wine or beer or consume any spirits, wine or beer on any public street, avenues or sidewalks; or within 150 ft of any tavern or package store or on any property not their own unless permission has been granted by the owner or authorized agent.

Fine: \$40 plus court costs

Open Container of Alcohol in a Motor Vehicle ([20 NE § 57\(v\)](#))

No driver or passenger in a motor vehicle upon a public road, street, or highway shall possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage. An open or unsealed receptacle containing an alcoholic beverage may be transported in the trunk of the motor vehicle.

Fine: \$100 plus court costs

Marijuana ([16 Del C. § 4764](#))

- Under 21 years of age – possess/use/consume 1 oz. or less of marijuana = **civil** penalty of \$100 for a first violation, a **civil** penalty of \$200 for a second violation and is guilty of an unclassified **misdemeanor** and fined \$100 for a third or subsequent violation.
- Any person (whether over or under 21 years of age)
 - Possess more than 1 ounce of marijuana shall be guilty of an unclassified misdemeanor and be fined not more than \$575.
 - Use of marijuana in public, or in a moving vehicle, is a criminal offense punishable by a fine of up to \$200.

Noise Violation ([20A NE § 4\(b\)\(2\)](#))

It shall be unlawful for any person to create a noise disturbance (24 hours/day). This includes operating any radio, television, phonograph, and similar devices between 9:00pm and 7:00am in such a manner as to be plainly audible across a real property boundary or common partition.

Fine: \$100 plus court costs

Disorderly Premises ([22 NE § 74.1](#))

It shall be unlawful for any person to allow, suffer or permit in any house or upon any premises occupied by himself, any profane, obscene or vulgar language or conduct, or any fighting, quarreling or affray, or any loud or unusual noises to the disturbance of the quiet and good order of the city.

Fine: \$100 plus court costs

Unruly Social Gathering ([22 NE § 74.3](#))

It shall be a **civil** violation for any person or organization to allow, host, suffer or permit in or upon any premises within the City of Newark an unruly social gathering, as defined in the ordinance. Three of the following behaviors are required at an event where four or more persons are present:

Underage alcohol consumption	Noise violations
Disorderly premises	Rooftop occupancy
150+ persons present without a permit	Blocking public right-of-way
Public Intoxication	Criminal Mischief
Public Urination	Excessive Litter
Illegal Drug Use	Trespass

Fine: \$500 & 20 hours of community service plus court costs

Private Social Gatherings ([23 NE § 16](#))

A special event permit is required for gatherings on private property in which:

- (1) A fee or donation is charged for admission or food or beverage;
- (2) If, on a parcel or lot with a width of 30 feet or less, and there are more than 50 persons reasonably expected to attend, or where more than 50 persons do attend;
- (3) If, on any parcels or lots where there is free movement of persons between other adjoining parcels or lots and there are more than 150 persons reasonably expected to attend, or where more than 150 persons do attend.

Failure to obtain a special event permit is a **civil** offense. Fine: \$400 plus court costs.

Occupancy of Rooftops ([22 NE § 74.2](#))

Except when performing repairs or maintenance of the roof or in an emergency situation, or where permitted by the owner of an owner-occupied structure, or where expressly permitted by the current lease agreement for the building, it shall be unlawful for any person to occupy or use the roof or roof overhang of a building when such roof is not designed and permitted for such occupancy by the City Building Code.

Fine: \$40 plus court costs.



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